

Application No. 09/980,768
Page 2

which the Examiner indicated that claims 1 and 89 were generic. Therefore, upon the allowance of claims 1 and 89, Applicants will be entitled to consideration of the additional species which are dependent thereon, including the species of claims 27-87. As Applicants believe that claims 1 and 89 are allowable over the prior art as explained below, it is respectfully requested that the requirement to cancel claims 27-87 be withdrawn.

Claim 1 is objected to because the Examiner asserts that the phrase "the core system software" in line 9 of claim 1 should be deleted. The Examiner apparently assumes that this phrase is redundant with the same phrase appearing earlier in the claim at lines 8-9. Applicants respectfully submit that this language is not redundant. Applicants' claimed software interface is an interface between (a) middleware and (b) the core system software. The middleware, as mentioned in paragraph (a), mediates between an application program and the core system software. Therefore, as explained in detail below, the software interface enables different versions of middleware to work with the core system software of the user terminal.

Claims 1, 88, and 89 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Evain, "The Multimedia Home Platform" EBU Technical Review, Spring 1998, pages 4-10 (Evain).

Claims 2-26 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Evain in view of Sambar, "PowerTV Operating System" Release 1.5, October 1998, pages 1-52 (Sambar).

Applicants respectfully traverse these rejections in view of the following comments.

Application No. 09/980,768
Page 3

Discussion of Evain

Claims 1, 88 and 89 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Evain. This rejection is respectfully traversed. An anticipation rejection requires that each and every element of the claimed invention as set forth in the claim be provided in the cited reference. See *Akamai Technologies Inc. v. Cable & Wireless Internet Services Inc.*, 68 USPQ2d 1186 (CA FC 2003), and cases cited therein. As discussed in detail below, Evain does not meet the requirements for an anticipation rejection.

Evain discloses an application program interface (API) for use in connection with Multimedia Home Platform (MHP), which is a common platform for user-transparent access to multimedia services (Evain, Introduction). The API disclosed in Evain is an interface between application programs and system software of a multimedia terminal, which provides platform independence for application program software (Evain, page 7 "Definition of the API").

In contrast to Evain, Applicant's claimed invention is directed towards a software interface between (a) middleware and (b) the core system software of the terminal. The middleware of Applicants' claimed invention mediates between an application program and the core system software. Therefore, the claimed interface enables an application program to access a function of the terminal provided by the core system software via said middleware.

In contrast, the API of Evain mediates between application programs and the system software, while the

Application No. 09/980,768
Page 4

software interface of the present invention mediates between the middleware and the core system software. Therefore, the API of Evain may be seen as being equivalent to the middleware of Applicants' claimed invention. However, Evain does not provide an additional interface between this API (middleware) and the core system software as claimed by Applicants.

Simply put, the software interface of the present invention is an additional layer of software provided between the middleware layer (API of Evain) and the core system software layer. This interface enables different versions of middleware to operate with the core system software. Thus, Applicants' claims 1 and 89 describe four layers of software, as follows:

- (1) application program software;
- (2) middleware;
- (3) the inventive software interface; and
- (4) the core system software.

In contrast, Figure 2 of Evain describes only three of Applicants' claimed four layers of software:

- (1) Interoperable applications;
- (2) API; and
- (3) System software.

Evain simply does not disclose or remotely suggest an additional software interface between the API (middleware) and the system software as claimed by Applicants. As can be seen from Applicant's Figure 1, Applicants' claimed software interface (e.g., software interface 26) is a level below the API of Evain in the terminal structure.

Application No. 09/980,768
Page 5

Figure 1 shows an example of a television terminal which includes Applicant's claimed software interface (e.g., software interface 26). Software interface 26 shown in Applicant's Figure 1 provides an interface between the core system software 20 and the middleware 12, 14. The middleware 12, 14 mediates between the application programs 10 and the core system software 20 via the software interface 26. The software interface 26 provides the interface between the middleware 12, 14 and the core system software 20 to enable the application program 10 to access a function of the terminal.

The software interface of the present invention (e.g., software interface 26 shown in Applicant's Figure 1) enables different middleware and operating system software to be used with the core system software. This enables reuse of a single terminal design for multiple operating systems (see, e.g., Applicant's specification, page 2, line 32 through page 3, line 26). The API of Evain does not provide for such advantages.

Evain does not disclose or remotely suggest a software interface between middleware and core system software as claimed by Applicants. Evain is concerned only with an API (middleware) between application programs and the operating system.

Applicants respectfully submit that the present invention is not anticipated by and would not have been obvious in view of Evain, taken alone or in combination with Sambar or any of the other prior art of record.

As Evain does not disclose each and every element of the invention as claimed, the rejections under 35 U.S.C. § 102(b) are believed to be improper, and withdrawal of the

Application No. 09/980,768
Page 6

rejections is respectfully requested. See, *Akamai Technologies Inc.*, *supra*. As the secondary reference does not cure the deficiencies of the Evian reference, the rejection under 35 U.S.C. §103(a) is also believed to be improper, and the withdrawal of this rejection is respectfully requested.

Further remarks regarding the asserted relationship between Applicants' claims and the prior art are not deemed necessary, in view of the amended claims and the foregoing discussion. Applicants' silence as to any of the Examiner's comments is not indicative of an acquiescence to the stated grounds of rejection.

The Examiner is also respectfully requested to consider withdrawn claims 27-87 as allowable in view of generic claim 1.

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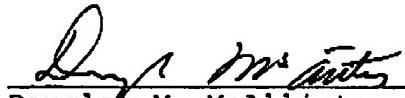
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Application No. 09/980,768
Page 7

Conclusion

The Examiner is respectfully requested to reconsider this application, allow each of the pending claims and to pass this application on to an early issue. If there are any remaining issues that need to be addressed in order to place this application into condition for allowance, the Examiner is requested to telephone Applicants' undersigned attorney.

Respectfully submitted,



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